UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re:		§	
WERBA, MICHAEL S.		§	Case No. 15-30248
WERBA, KIMBERLY S.		§ §	
	Debtors(s)	§	

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

- 1. A petition under chapter 7 of the United States Bankruptcy Code was filed on 09/03/2015. The undersigned trustee was appointed on 09/03/2015.
 - 2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
- 3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. §522, or have been or will be abandoned pursuant to 11 U.S.C. §554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A.**

4. The trustee realized gross receipts of	\$ 125,000.00
Funds were disbursed in the following amounts:	
Payments made under an interim disbursement	0.00
Administrative Expenses	53,731.64
Bank Service Fees	125.72
Other Payments to Creditors	0.00
Non-Estate funds paid to 3 rd Parties	0.00
Exemptions paid to the Debtor	15,000.00
Other Payments to Debtor	0.00
Leaving a balance on hand of ¹	\$ 56,142.64

¹ The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

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The remaining funds are available for distribution.

- 5. Attached as Exhibit B is a cash receipts and disbursements record for each estate bank account.
- 6. The deadline for filing non-governmental claims in this case was 01/04/2016 and the deadline for filing governmental claims was 03/01/2016. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C.**
 - 7. The Trustee's proposed distribution is attached as **Exhibit D.**
- 8. Pursuant to 11 U.S.C. §326(a), the maximum compensation allowable to the trustee is \$8,750.00. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests a sum of \$8,750.00, for a total compensation of \$8,750.00. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00, and now requests reimbursement for expenses of \$9.00 for total expenses of \$9.00

Pursuant to Fed. R. Bank. P. 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date :	06/01/2017	By:	/s/ Elizabeth Berg	
			Trustee	

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. §1320.4 (a)(2) applies.

² If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

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FORM 1 INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT ASSET CASES

Case No: 15-30248
Case Name: WERBA, MICHAEL S.

Judge: Janet S. Baer

Trustee Name: Elizabeth C Berg Date Filed (f) or Converted (c): 09/03/2015 (f)

WERBA, KIMBERLY S.

341(a) Meeting Date: 09/28/2015

For Period Ending: 06/01/2017

Claims Bar Date: 01/04/2016

	1	2	3	4	5	6
	Asset Description (Scheduled and Unscheduled (u) Property)	Petition/Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA) / Gross Value of Remaining Assets
1.	Single family residence 1690 Montclair Drive Elgin	270,000.00	0.00	OA	0.00	FA
2.	First American Bank (business checking)	700.00	0.00		0.00	FA
3.	First American Bank (personal checking)	300.00	0.00		0.00	FA
4.	Household goods and furnishings	200.00	0.00		0.00	FA
5.	Wearing Apparel	400.00	0.00		0.00	FA
6.	Fidelity 401k (rollover)	40,049.05	0.00		0.00	FA
7.	Fidelity - Cadence Health Matched Savings Plan	39,220.49	0.00		0.00	FA
8.	Fidelity Cadence Health Retirement Plan	4,942.00	0.00		0.00	FA
9.	MW Trucking Enterprise, Inc. (100% of shares)	500.00	0.00		0.00	FA
10.	PI Claim	Unknown	110,000.00		125,000.00	FA
11.	Worker's comp claim	Unknown	0.00		0.00	FA
12.	2011 Hyundai Sonata	9,100.00	0.00		0.00	FA
13.	2000 Acura TL	2,100.00	0.00		0.00	FA
14.	2004 Honda Pilot	2,000.00	0.00		0.00	FA
15.	24' straight truck - Freightliner	15,000.00	0.00		0.00	FA
16.	Two International 24' straight truck One Freightli	85,000.00	0.00		0.00	FA

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FORM 1 INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT ASSET CASES

Case No: 15-30248

Judge: Janet S. Baer

Trustee Name: Elizabeth C Berg

Case Name: WERBA, MICHAEL S.

Date Filed (f) or Converted (c): 09/03/2015 (f)

WERBA, KIMBERLY S.

341(a) Meeting Date: 09/28/2015

For Period Ending: 06/01/2017

Claims Bar Date: 01/04/2016

1		3	4	5	В
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA) / Gross Value of Remaining Assets
				Gro	ss Value of Remaining Assets

Gross Value of Remaining

_

TOTALS (Excluding Unknown Values)

469,511.54

110,000.00

125,000.00

0.00

Re Prop. #1 Trustee compelled to abandon per order 3/10/17 [dkt 39]

Re Prop. #10 Kimberly Werba vs Bayer Healthcare LLC 2015 CV 04930 (personal injury). Pursuant to this Court's order dated 2/24/17 [dkt 36], Trustee settled the PI claim.

(Trustee did not initially list an estimated trustee value because this asset was subject to a lawsuit and trustee believed listing an estimated value could adversely effect or otherwise impact the litigation).

Re Prop. #11 Kimberly Werba vs Cadence Hospital 13 WC 022921 (workers' comp)

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

May 31, 2017: Trustee did not believe that Mr. Werba's claimed exemption in the PI Case was valid and notified Debtors' counsel regarding same. On February 7, 2017, Debtors amended their exemptions to remove Mr. Werba's claimed exemption in the PI Case. Trustee settled the PI Case and was authorized to pay Mrs. Werba's allowed exemption as well as co-special counsel fees and expenses pursuant to this Court's order dated 2/27/17 [dkt 36]. Trustee reviewed the claims filed against the Estate and resolved all claims issues without the need for any formal claim objections. Trustee consulted with an accountant to confirm the Estate was not obligated to file a tax return. Trustee prepared her TFR.

October 6, 2016: Trustee continues to monitor PI Case. A court ordered settlement conference is scheduled for 10/12/16.

July 5, 2016: Trustee continues to monitor PI Case.

January 26, 2016: Trustee retained special counsel and added herself as additional plaintiff in order

September 30, 2015: Debtor filed case in federal court for damages as a result of personal injuries ("PI Case") upon Trustee's investigation, the PI Case is of value to the Estate. Trustee is retaining special counsel to represent the Estate's interest in the PI Case. Trustee is also investigating the Debtor's financial affairs and assets to identify other potential assets of value the claims bar date has been fixed as January 4, 2016.

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FORM 1 INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT ASSET CASES

Case No: 15-30248

Judge: Janet S. Baer

Trustee Name: Elizabeth C Berg

Case Name: WERBA, MICHAEL S.

Date Filed (f) or Converted (c): 09/03/2015 (f)

WERBA, KIMBERLY S.

341(a) Meeting Date: 09/28/2015

For Period Ending: 06/01/2017

Claims Bar Date: 01/04/2016

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA) / Gross Value of Remaining Assets

Initial Projected Date of Final Report(TFR): 12/31/2017 Current Projected Date of Final Report(TFR): 12/31/2017

Trustee's Signature

/s/Elizabeth C Berg

Date: <u>06/01/2017</u>

Elizabeth C Berg 20 N. Clark St., Suite 200 Chicago, IL 60602 Phone: (312) 726-8150

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Case No: 15-30248

Case Name: WERBA, MICHAEL S.

WERBA, KIMBERLY S.

Taxpayer ID No: **-***3695
For Period Ending: 6/1/2017

Trustee Name: Elizabeth C Berg Bank Name: Texas Capital Bank

Account Number/CD#: *****5252 Checking Account

Blanket bond (per case limit): 5,000,000.00

Separate bond (if applicable): 0.00

1	2	3	4		5	6	7
Transaction Date	Check or [Refer#]	Paid To / Received From	Description of Transaction		Deposits(\$)	Disbursements(\$)	Account/ CD Balance(\$)
03/21/2017	[10]	Medmarc Casualty Insurance Co. 14280 Park Meadows Drive, Ste. 300 Chantilly, VA 20151-2219	Settlement proceeds of PI Case Werba v. Bayer Healthcare, LLC - Case No. 15CV04930 per Court Order Dated February 24, 2017 [dkt 36]	1142-000	125,000.00		125,000.00
03/22/2017	51001	51001 Kimberly Werba Debtor's Exemption Allow February 24, 2017 [dkt 36] Elgin, IL 60123		8100-002		15,000.00	110,000.00
03/22/2017 51002		Patrick M. Flaherty Kinnally Flaherty Loran Krentz Hodge & Masur 2114 Deerpath Road Aurora, 60506	Co-special Counsel to Trustee Allowed Compensation per Court Order Dated February 24, 2017 [dkt 36]	pensation per Court Order Dated February 24,		27,777.77	82,222.23
03/22/2017	51003	Michael W. Clancy 255 38th Avenue Suite G Saint Charles, IL 60174	Compensation Per Court Order Dated February 24, 2017 [dkt 36]			13,888.89	68,333.34
03/22/2017	Patrick M. Flaherty Kinnally Flaherty Loran Krentz Hodge & Masur 2114 Deerpath Road Aurora, 60506 Co-special Counsel to Trustee Allowed Reimbursement of Litigation Expenses Allowed Per Court Order Dated February 24, 2017 [dkt 36]		3220-610		12,064.98	56,268.36	
04/03/2017		Texas Capital Bank Treasury Management Operations 2350 Lakeside Blvd Richardson, TX 75082 Bank Service Fee		2600-000		47.16	56,221.20

Page Subtotals

125,000.00

68,778.80

Case 15-30248 Doc 41 Filed 06/30/17_{ORM}Entered 06/30/17 13:40:21 Desc Main ESTATE CASP RECEIPTS AND DISEORS EMPTIS RECORD

Case No: 15-30248

Case Name: WERBA, MICHAEL S.

WERBA, KIMBERLY S.

Taxpayer ID No: **-***3695
For Period Ending: 6/1/2017

Trustee Name: Elizabeth C Berg

Bank Name: Texas Capital Bank

Account Number/CD#: *****5252 Checking Account

Blanket bond (per case limit): 5,000,000.00

Separate bond (if applicable): 0.00

1	2	3	4		5	6	7		
Transaction Date	Check or [Refer#]	Paid To / Received From	Description of Transaction	Uniform Trans. Code	Deposits(\$)	Disbursements(\$)	Account/ CD Balance(\$)		
05/03/2017		Texas Capital Bank Treasury Management Operations 2350 Lakeside Blvd Richardson, TX 75082	Bank Service Fee	2600-000		78.56	56,142.64		
Page Subtotals 0.00 78.56									
COLUMN TOTALS 125,000.00 68,857.36									
Less:Bank Transfer/CD's 0.00 0.00									

SUBTOTALS

Net

Less: Payments to Debtors

All Accounts Gross Receipts: 125,000.00
All Accounts Gross Disbursements: 68,857.36
All Accounts Net: 56,142.64

TOTAL-ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
*****5252 Checking Account	125,000.00	68,857.36	
Net Totals	125.000.00	68.857.36	56.142.64

125,000.00

125,000.00

68,857.36 15,000.00

53,857.36

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WERBA, MICHAEL S.

WERBA, KIMBERLY S.

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CLAIMS REIGSTER

Claims Bar Date: 01/04/16 Government Bar Date: 03/01/16

EXHIBIT C

Claim No.	Creditor	UTC	PAY SEQ.	Allowed	Paid to Date	Prop. Payment Prop. Interest	Total Proposed Payment	Remaining Balance
			•				Amount to Disburse	56,142.64
	Elizabeth C. Berg, Trustee 20 N. Clark Street Suite 200 Chicago IL 60602	2100-000 ADMIN	100	8,750.00	0.00	8,750.00	8,750.00	47,392.64
	Elizabeth C. Berg, Trustee 20 N. Clark Street Suite 200 Chicago IL 60602	2200-000 ADMIN	100	9.00	0.00	9.00	9.00	47,383.64
	Baldi Berg, Ltd. 20 N. Clark St., Suite 200 Chicago IL 60602	3110-000 ADMIN	100	9,250.00	0.00	9,250.00	9,250.00	38,133.64
	Baldi Berg, Ltd. 20 N. Clark St., Suite 200 Chicago IL 60602	3120-000 ADMIN	100	26.25	0.00	26.25	26.25	38,107.39
	Michael W. Clancy 255 38th Avenue Suite G	3210-600 ADMIN	100	13,888.89	13,888.89	0.00	0.00	38,107.39
	Saint Charles IL 60174	co-special cou	nsel fees awa	rded per order	2/24/17 [dkt 36]			
	Patrick M. Flaherty Kinnally Flaherty Loran Krentz Hodge & Masur	3210-600 ADMIN	100	27,777.77	27,777.77	0.00	0.00	38,107.39
	2114 Deerpath Road Aurora 60506	co-special cou	nsel fees awa	rded per order	2/24/17 [dkt 36]			
	Patrick M. Flaherty Kinnally Flaherty Loran Krentz	3220-610 ADMIN	100	12,064.98	12,064.98	0.00	0.00	38,107.39
	Hodge & Masur 2114 Deerpath Road Aurora 60506	co-special cou	nsel expense	s awarded per	order 2/24/17 [dkt	36]		
ADMINISTRA	ATIVE TOTAL 100 %			71,766.89	53,731.64	18,035.25	18,035.25	
000002	ASCENTIUM CAPITAL LLC	4110-000	400	0.00	0.00	0.00	0.00	38,107.39
	Carissa Martinez POB 301593 Dallas TX 75303	SECURED claim withdra	wn 3/23/17	[dkt 40]				·
SECURED TO				0.00	0.00	0.00	0.00	
	Kimberly Werba	8100-000	810	15,000.00	15,000.00	0.00	0.00	38,107.39
	1690 Montclair Drive Elgin IL 60123	EXEMPT			15,000.00 order 2/24/17 [dk		0.00	38,107.39
000001	DISCOVER BANK Discover Products Inc PO Box 3025 New Albany OH 43054-3025	7100-000 UNSEC	710	13,369.67	0.00	2,485.31	2,485.31	35,622.08
000003	ASCENTIUM CAPITAL LLC Carissa Martinez	7100-000 UNSEC	710	52,870.67	0.00	9,828.21	9,828.21	25,793.87
	POB 301593 Dallas TX 75303	claim amende	d to unsecu	ed and deficien	cy balance 3/21/17	(see attachment to	amended claim)	
000004	CAPITAL ONE BANK (USA), N.A. by American InfoSource LP as agent PO Box 71083	7100-000 UNSEC	710	20,732.01	0.00	3,853.91	3,853.91	21,939.96
000005	Charlotte NC 28272-1083 CITIBANK, N.A. c/o American InfoSource LP PO Box 248840	7100-000 UNSEC	710	15,105.69	0.00	2,808.02	2,808.02	19,131.94
000006	Oklahoma City OK 73124-8840 CAPITAL RECOVERY V, LLC c/o Recovery Management Systems Corporat 25 SE 2nd Avenue Suite 1120 Miami FL 33131-1605	7100-000 UNSEC	710	510.27	0.00	94.85	94.85	19,037.09

WERBA, MICHAEL S. WERBA, KIMBERLY S.

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PROPOSED DISTRIBUTION

Claim No.	Creditor	UTC	PAY SEQ.	Allowed	Paid to Date	Prop. Payment Prop. Interest	Total Proposed Payment	Remaining Balance
000007	CAPITAL RECOVERY V, LLC c/o Recovery Management Systems Corporat 25 SE 2nd Avenue Suite 1120 Miami FL 33131-1605	7100-000 UNSEC	710	1,224.14	0.00	227.56	227.56	18,809.53
000008	PYOD, LLC ITS SUCCESSORS AND ASSIGN assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008Greenville SC 29602	7100-000 UNSEC	710	1,776.18	0.00	330.18	330.18	18,479.35
000009	CERASTES, LLC C O WEINSTEIN & RILEY, PS 2001 WESTERN AVENUE, STE 400 SEATTLE WA 98121	7100-000 UNSEC	710	7,665.29	0.00	1,424.91	1,424.91	17,054.44
000010	US Department of Education Claims Filing Unit P.O. Box 8973 Madison WI 53708-8973	7100-000 UNSEC Government ba	710 r date 3 /1/1	12,419.22 6. Claim is time	0.00 y filed.	2,308.63	2,308.63	14,745.81
000011	US Department of Education Claims Filing Unit P.O. Box 8973 Madison WI 53708-8973	7100-000 UNSEC Government ba	710 ur date 3/1/1	79,324.75 6. Claim is timel	0.00 ly filed.	14,745.81	14,745.81	0.00
	O TOTAL 18.59 % N TOTAL 100.00 %			204,997.89 15,000.00	0.00 15,000.00	38,107.39 0.00	38,107.39 0.00	
				201 764 70	CO 724 CA	56 142 64	56 1/2 6/	

56,142.64 56,142.64 291,764.78 68,731.64 CASE TOTAL

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.

Case 15-30248 Doc 41 Filed 06/30/17 Entered 06/30/17 13:40:21 Desc Main Document Page 10 of 11 TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 15-30248

Case Name: WERBA, MICHAEL S.

WERBA, KIMBERLY S.

Trustee Name: Elizabeth C Berg

Balance on Hand \$56,142.64

Claims of secured creditors will be paid as follows:

					Interim		
Claim		Claim	Al	lowed Amount	Payments to		Proposed
No.	Claimant	Asserted		of Claim	Date		Payment
000002	ASCENTIUM CAPITAL LLC	\$ 0.00	\$	0.00	\$ 0.00	\$	0.00
Total to be	e paid to secured creditors				Ş	·	0.00
Remaining	g Balance				Ç	5	56,142.64

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Tot	tal Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees: Elizabeth C. Berg, Trustee	\$	8,750.00	\$ 0.00	\$ 8,750.00
Trustee, Expenses: Elizabeth C. Berg, Trustee	\$	9.00	\$ 0.00	\$ 9.00
Attorney for Trustee, Fees: Baldi Berg, Ltd.	\$	9,250.00	\$ 0.00	\$ 9,250.00
Attorney for Trustee, Expenses: Baldi Berg, Ltd.	\$	26.25	\$ 0.00	\$ 26.25
Other: Michael W. Clancy	\$	13,888.89	\$ 13,888.89	\$ 0.00
Other: Patrick M. Flaherty	\$	27,777.77	\$ 27,777.77	\$ 0.00
Other: Patrick M. Flaherty	\$	12,064.98	\$ 12,064.98	\$ 0.00

Applications for prior chapter fees and administrative expenses have been filed as follows:

NONE

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed Priority Claims are:

NONE

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable

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withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$204,997.89 have been allowed and will be paid pro rata only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 18.6 %, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant		Allowed Amount of Claim	Interim Payments to Date		Proposed Payment
000001	DISCOVER BANK	\$	13,369.67	\$ 0.00	\$	2,485.31
000003	ASCENTIUM CAPITAL LLC	\$	52,870.67	\$ 0.00	\$	9,828.21
000004	CAPITAL ONE BANK (USA), N.A.	\$	20,732.01	\$ 0.00	\$	3,853.91
000005	CITIBANK, N.A.	\$	15,105.69	\$ 0.00	\$	2,808.02
000006	CAPITAL RECOVERY V, LLC	\$	510.27	\$ 0.00	\$	94.85
000007	CAPITAL RECOVERY V, LLC	\$	1,224.14	\$ 0.00	\$	227.56
000008	PYOD, LLC ITS SUCCESSORS AND	\$	1,776.18	\$ 0.00	\$	330.18
000009	CERASTES, LLC	\$	7,665.29	\$ 0.00	\$	1,424.91
000010	US Department of Education	\$	12,419.22	\$ 0.00	\$	2,308.63
000011	US Department of Education	\$	79,324.75	\$ 0.00	\$	14,745.81
Total to be paid to timely general unsecured creditors \$						38,107.39
Remaining Balance \$					\$	0.00

Tardily filed claims of general (unsecured) creditors totaling \$0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 %, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 %, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE